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For Other Than
A Small Entity

Attorney Docket No. UV-181

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Johnny B. Corvin et al.
Application No. : 09/775,202
Confirmation No. : 7104
Filed : February 1, 2001
For : SYSTEMS AND METHODS FOR PROVIDING PROMOTIONS WITH RECORDED PROGRAMS
Group Art Unit : 2623
Examiner : Scott Beliveau

October 5, 2006
New York, NY 10020

Mail Stop PETITION
Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

PETITION UNDER 37 C.F.R. § 1.137(b)
FOR REVIVAL OF UNINTENTIONALLY
ABANDONED PATENT APPLICATION

Sir:

Pursuant to 37 C.F.R. § 1.137(b), applicants hereby petition to revive the above-identified patent application, which is believed to have been unintentionally abandoned as of September 19, 2006. A Reply to Office Action was timely filed on September 18, 2006¹. However, because (a) a notice of appeal was not

¹ The six month date for replying to the March 16, 2006 Office Action fell on Saturday, March 16, 2006, therefore, the due date for (Continued...)

filed, (b) a Request for Continued Examination (hereinafter "RCE") under 37 C.F.R. § 1.114 was not filed, and (c) the Reply did not put the application in condition for allowance because amendments provided therein allegedly raised new issues that would require further consideration and/or search², the above-identified case is believed to be abandoned even though the United States Patent and Trademark Office ("USPTO") has not yet issued a Notice of Abandonment. In fact, the undersigned held a teleconference with Examiner Beliveau on October 4, 2006 and confirmed that the application is indeed abandoned. The purpose of the revival is to submit an RCE which is required to remove the finality of the March 16, 2006 Final Office Action and have the Reply to Office Action filed on September 18, 2006 entered and considered in the above-identified patent application.

The unintentional abandonment of this application was caused by the applicants' agent's inadvertent failure to file an RCE within six months of the mailing date of the March 16, 2006 Final Office Action. If the RCE was filed on or before September 18,

(...Continued)

replying to the Office Action rolled over to the next business day, which was September 18, 2006.

² An Advisory Action mailed September 28, 2006 indicated that the proposed amendments set forth in the September 18, 2006 Reply to Office Action raised new issues that would require further consideration and/or search.

2006³, the finality of the Final Office Action would have been withdrawn and the Reply to Office Action would have been entered and considered.

The entire delay in filing the RCE was unintentional. The undersigned first became aware of the unintentional abandonment during a routine check of correspondence mailed by the United States Patent and Trademark Office ("USPTO") in connection with Customer No. 1473 on the Patent Application Information Retrieval ("PAIR") Web Site on October 14, 2006. During this routine examination of correspondence, it was discovered that an Advisory Action was mailed by the USPTO on September 28, 2006. Upon review of the Advisory Action, the undersigned realized the application was unintentionally abandoned.

Pursuant to 37 C.F.R. § 1.137(b), this Petition is accompanied by:

1) The RCE and transmittal form authorizing the Director to charge the RCE fee (\$790.00), or credit any overpayment, to Deposit Account No. 06-1075 that should have been filed on or before September 18, 2006; and

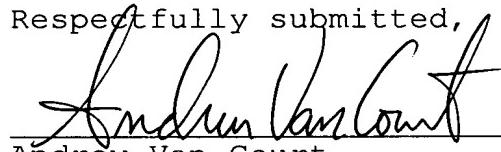
2) A copy of the September 18, 2006 Reply to Office Action (enclosed for the Examiner's convenience).

³ See Footnote 1.

Pursuant to 37 C.F.R. § 1.137(b)(2), the Director is hereby authorized to charge \$1,500.00 in payment of the fee for submission of this Petition, and any additional fees required in connection with this Petition, or to credit any overpayment of the same, to Deposit Account No. 06-1075. A duplicate copy of this Petition is enclosed herewith.

Prompt grant of this petition, and acceptance of delayed submission of the RCE, are respectfully requested.

Respectfully submitted,


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